

PROB 12C
(6/16)

Report Date: May 5, 2021

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

May 06, 2021

SEAN F. MCAVOY, CLERK

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Dan Elliott Ochs

Case Number: 0980 2:11CR00026-WFN-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: October 26, 2011

Original Offense: Possession of Child Pornography, 18 U.S.C. § 2252A(a)(5)(B)

Original Sentence: Prison - 120 months Type of Supervision: Supervised Release
TSR - Life

Asst. U.S. Attorney: James Goeke

Date Supervision Commenced: July 19, 2019

Defense Attorney: Federal Defenders Office

Date Supervision Expires: Life

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 10/09/2020, 10/23/2020, 11/5/2020, 02/12/2021, 3/3/2021, and 5/3/2021.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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15	<u>Special Condition #29:</u> You must not have direct contact with any child you know or reasonably should know to be under the age of 18, or your own children, without the permission of the probation officer. If you do have any direct contact with any child you know or reasonably should know to be under the age of 18, you must immediately report this contact to the supervising officer.
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Supporting Evidence: The offender is alleged to have violated special condition number 29, by having direct contact with approximately 2 to 4 children, on or about April 23, 2021.

On July 19, 2019, the offender reported to the U.S. Probation Office for his scheduled intake appointment. At that time, his conditions of supervision were reviewed and he signed said conditions acknowledging he understood his requirements. Specifically, he was made aware by his supervising officer that he must not have direct contact with any child without the permission of the probation officer.

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On April 23, 2021, residential reentry center (RRC) staff conducted a search of the offender's cellular telephone, which revealed Mr. Ochs utilized his web browser to search for "kids chat rooms". Subsequently, the probation officer met with Mr. Ochs to discuss his conduct. At that time, he admitted to accessing a kids chat room on or about April 23, 2021, and he further denied interacting with anyone in the chat room.

On May 4, 2021, Mr. Ochs participated in a scheduled polygraph examination. During the examination, he admitted to communicating with 2 to 4 individuals, in the kids chat room. He further stated that the kids chat room is a place where both adults and minors chat for the purpose of role playing. When asked by the polygrapher if he entered the chat room for the purpose of communicating with a minor, he responded no. According to the polygrapher, Mr. Ochs responded to that question in a deceptive manner.

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Standard Condition #3: The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: The offender is alleged to have violated standard condition number 3, by failing to answer the probation officer's inquiry in a truthful manner, on or about April 26, 2021.

On April 26, 2021, the probation officer met with the offender to address the content discovered on his cellular telephone by RRC staff. Specifically, the probation officer questioned him about accessing a kids chat room. Mr. Ochs admitted to accessing a kids chat room, but denied communicating with anyone.

As previously noted, on May 4, 2021, Mr. Ochs admitted to the polygraph examiner that he communicated with 2 to 4 individuals in the kids chat room, on or about April 23, 2021.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 5, 2021

s/Lori Cross

Lori Cross

U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

5/6/2021

Date